

Harrison Township Zoning Commission  
Public Hearing/Working Session  
March 15, 2022

Members present: Christine Johnson, Brenda Oliver, Laney McLaughlin, Brad Sager and Tracy Kelley.

Also present: Valerie Hans, Zoning Inspector, Vickie Noble, Zoning Secretary, Pete Griggs, Legal Counsel and Marilyn Martin of Anderson Reporting.

Guests: David Coe, Donna Keller Coe, Harold Martin, Fallon Burth, James Spaulding, Ellen and Jason VanDyne, Todd Merry, Judith Casto, Kyle Speakman, Jeremy Hinsdale, Jessica Forsthoefel, David Engel, John W. Sharp III, John W. Sharp IV, Danny Bailey, Steve Layman, Jon Parrish, Michael P. Doran, Luke Ford, Dan and Renee Smith, Robert Martin, Bob Adams, Jodie Adams, Norma Welch, Mary Hickey, Linda Eisel, Dave White, Keith Exel.

Applicant representatives, Donald Plank, Craig Moncrief, Mike Yungerman, Jim Havens.

The meeting was called to order at 7:00 p.m. by Christine Johnson with all standing for the Pledge of Allegiance.

The Public Hearing is a continuation of the February 15, 2022 Public Hearing for a Zoning Amendment Application submitted by Donald Plank, Plank Law Firm, LPA for 281.28 acres located on Outville Road between National Road and I-70. The applicant is requesting to establish a PUD zoning for Parcel #025-080076-00.000. (Application #2021-01R)

Ms. Johnson explained the purpose and procedure of the hearing.

The board and participants were introduced.

Donald Plank said there was a revised site plan.

The building height has been reduced to 50'.

The truck access will be below the houses and there will be a traffic light.

An access will be created for employees and will be restricted to cars only, no semi-trucks.

Another curb cut will be for emergency use only.

He said they have checked with the fire department.

Ms. Johnson asked about buffering near the cemetery. Mr. Plank said the cemetery is higher and mounds cannot be used. It is possible to plant some pine trees.

Laney McLaughlin asked if there was enough room to stack semi-trucks inside the development.

Mike Yungerman said with the redesign there should be room.

Ms. McLaughlin asked about the original zoning. Mr. Plank said Kirkersville had rezoned the property when it was annexed and now with the detachment the township will have to rezone. Pete Griggs added that a detachment is very rare.

Ms. Johnson asked for Public Comments.

Ellen VanDyne asked about compliance with the zoning regulations. She wanted to know who would make sure the regulations are followed. Ms. Johnson said that would be the responsibility of the zoning inspector.

Todd Merry said he is appreciative of the hard work to compromise. He is concerned about the speed of the traffic. He said he observed cars exceeding the speed limit on the township side and that Kirkersville police could not write tickets. He is also concerned about the lighting and would like to see the lights lowered and the mounds raised.

Mr. Plank said they will have to work with the county to improve the roads and put in turn lanes. He feels the traffic light will slow the speed of the traffic.

Renee Smith asked about the location of her house. She said she doesn't want this development. Ms. Smith asked about using Keller Road. Mr. Plank said Keller Road cannot be used. He also added that there will be retail, open space and possibly a bike path.

James Spaulding asked why the development was being considered in Harrison Township and not Kirkersville. Mr. Plank mentioned no tax abatement in Kirkersville. Mike Yungerman added that all the information could be found in Judge Branstool's decision.

Mr. Spaulding is concerned about traffic and lighting. Mr. Plank said all lighting will be required to be downward and shielded. Mr. Spaulding asked about water and SWLCWS drilling wells and taking away from private wells. Mr. Havens said the water district will be drilling test wells and if used the wells would be deep and should not affect the private wells.

Harold Martin asked about the access road to the cemetery. Mr. Havens said it will be available so the cemetery could use it if they wanted.

Kyle Speakman asked if the development would devalue his property. Mr. Plank said he does not feel Mr. Speakman's property will be devalued.

Todd Merry asked about lighting.

Ms. Johnson said there are lighting regulations in the Zoning Resolution.

Ellen VanDyne wanted to know what type of business would be going in and the hours. Mr. Plank said he doesn't know the type of business since the buildings are spec buildings.

Mike Doran wanted to suggest there be three buildings on the south end of the property and the retail be on the north side.

Ms. McLaughlin stated she liked the idea of a bike/pedestrian path.

Brenda Oliver wanted to know what portion of Outville Road will be improved. Mr. Plank said the traffic study will determine some of the improvements. Possibly the entire road will be improved. A JED could help pay for improvement and maintenance.

Ellen VanDyne asked how a JED would affect the residents. Mr. Plank said the JED would affect the employees not the residents.

Dave Engle said he appreciated the curb cut changes. He also mentioned the property on the west side of the road. Mr. Plank said he didn't know what might go in on the west side of the road. He also pointed out that the Intel project will change things for many areas. He also said there is a need to work together.

Ms. McLaughlin addressed the audience. She said the board will make the best decision they can make. She pointed out that the township has a website. The Zoning Resolution is available on the website as well as other information. She also said if the residents had any questions or comments, they could contact the township by email.

Judy Casto asked about the JED. Mr. Griggs said it would be up to the Trustees to decide on the JED. If approved, it would be for this development only.

Keith Exel stated this development "will change our lives". He is against the proposed PUD.

Bill Sharp asked if the access road for the cemetery would be open to the public. Mr. Plank said it would not be open to the public.

Tracy Kelley asked about water runoff. Mr. Plank said the ponds will have their depth and size calculated and should help with the water. Ms. Kelley also wanted to know about the noise from trucks. Mr. Plank said the 10' mounds with trees should help.

Dave Engle is concerned about safety of kids with the ponds. Mr. Plank said the ponds will be designed with a shelf before going deeper.

Mr. Bailey asked if the property is zoned for the development. Ms. Johnson explained that the purpose of these public hearings is to consider the rezoning.

Ms. Johnson asked to change the discussion to uses on the property.

Ms. Kelley asked if more warehouses could be built in future phases. Mr. Plank said yes.

A discussion was held as to the best way to determine uses. The board and the developer will compile a list of possible uses and those uses considered not acceptable. Mr. Griggs will review the suggestions. The list will be presented and discussed at the next public hearing.

Ms. McLaughlin moved to continue the public hearing on April 19, 2022 at 7:00 p.m.

Ms. Oliver seconded. The motion passed with unanimous ayes.

At 8:32 p.m. Ms. Johnson announced a short break before the working session would begin.

A working session began at 8:40 p.m.

Ms. McLaughlin moved to approve the March 1, 2022 minutes. Ms. Oliver seconded.  
The motion passed with unanimous ayes.

The board will meet on April 5, 2022 for a regular working session and on April 19, 2022 for a continuation of the March 15, 2022 Public Hearing. A working session will follow the April 19, 2022 Public Hearing.

A Zoning Training Session for both zoning boards has been scheduled for May 17, 2022 at 6:30 p.m.  
The session will be facilitated by attorney Pete Griggs.

The Trustees are looking at rezoning expired PUD properties. More information will come later.

At 9:19 p.m. Ms. McLaughlin moved to adjourn. Ms. Kelley seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Chris Johnson, Chair

*The Public Hearing was professionally recorded by Anderson Reporting*